

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

RICHARD L. SIMMONS, )  
Plaintiff, )  
v. ) No. 1:13CV138 SNLJ  
DANNY DODSON, )  
Defendant. )

## **MEMORANDUM AND ORDER**

This matter is before the Court upon review of plaintiff's pro se complaint. The complaint is defective because it has not been drafted on a Court-provided form. See Local Rule 2.06(A). Moreover, plaintiff has neither paid the filing fee nor submitted a motion to proceed in forma pauperis along with a prison account statement. See 28 U.S.C. § 1915(a).

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk shall mail to plaintiff a copy of the Court's form Prisoner Civil Rights Complaint.

**IT IS FURTHER ORDERED** that the Clerk shall mail to plaintiff a copy of the Court's form Motion to Proceed In Forma Pauperis – Prisoner Cases.

**IT IS FURTHER ORDERED** that plaintiff shall file an amended complaint on the Court-provided form within thirty (30) days of the date of this Order. Plaintiff

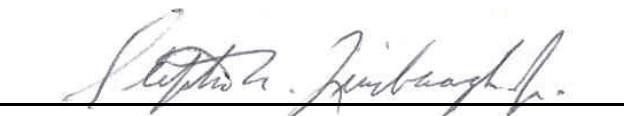
is advised that his amended complaint will take the place of his original complaint and will be the only pleading that this Court will review.

**IT IS FURTHER ORDERED** that plaintiff shall either pay the \$350 filing fee or submit a motion to proceed in forma pauperis within thirty (30) days of the date of this Order.

**IT IS FURTHER ORDERED** that if plaintiff submits a motion to proceed in forma pauperis, he must also submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint.

**IT IS FURTHER ORDERED** that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed for non-compliance with this Order, the dismissal will not constitute a “strike” under 28 U.S.C. § 1915(g).

Dated this 2nd day of October, 2013.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE